

1 CHRISTOPHER R. ORAM, ESQ.  
2 Nevada Bar No. 4349  
3 520 S. Fourth Street, Second Floor  
4 Las Vegas, Nevada 89101  
5 Telephone: (702) 384-5563  
6 [contact@christopheroramlaw.com](mailto:contact@christopheroramlaw.com)  
7 Attorney for Jorge Alfredo Soto

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

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11 UNITED STATES OF AMERICA, ) CASE NO: 2:20-cr-003-APG-EJY-2  
12 Plaintiff, )  
13 vs. ) **ORDER**  
14 JORGE ALFREDO SOTO, ) (Tenth Request)  
15 Defendant. )

16 **FINDINGS OF FACT**

17 Based upon the pending Stipulation of counsel, and good cause appearing therefore,

18 the Court finds that:

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20 1. Defense Counsel has previously informed the Government that Mr. Soto may  
21 suffer from intellectual deficiencies

22 2. Ms. Melanee Smith, the U.S. Attorney, has requested the continuance so that the  
23 Government's expert doctor would be able to conduct the evaluation on Mr. Soto.

24 3. The additional time requested by this Stipulation is excludable in computing the  
25 time for which the trial herein must commence pursuant to the Speedy Trial Act,  
26 18 U.S.C. Section 3161(h)(7)(A), considering the factors under 18 U.S.C.  
27 Sections 3161(h)(7)(B)(i) and (iv).

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4. JORGE ALFREDO SOTO is not in custody, and he does not oppose the requested continuance.
5. Denial of this request for continuance would deny the defendant the opportunity to effectively prepare for trial.
6. The additional time requested herein is not sought for purposes of delay.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

## CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

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## ORDER

IT IS THEREFORE ORDERED that the evidentiary hearing currently scheduled for October 19, 2022, at the hour of 9:00 a.m. be vacated and continued to the **12th day of January, 2023, at the hour of 9:00 a.m. in Courtroom 4B.**

DATED this 18th day of October, 2022.

Eayna J. Zouchah  
UNITED STATES MAGISTRATE JUDGE